IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2319 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TAKHATSINH ALIAS MANGUSINH GAMBHIRSINH DESAI & 1 - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR HM PRACHCHHAK for Petitioner(s) : 1 - 2.
MS.TANUJA KACHCHHI, ASSTT.GOVERNMENT PLEADER for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 19/06/2007

ORAL JUDGMENT

1. The parties agree that the prsent petition can be disposed of in terms of the order passed in

Special Civil Application No. 2317 of 1997.

2. The order dated 30.1.89 passed by the Deputy Collector in Ceiling Revision Case No. 135/88 and 136/88 and the order passed by the President, Gujarat Revenue Tribunal on 27.1.1997 in Revision Application No. TEN B.S. No. 169/89 are hereby quashed and set aside. The matter is remanded back to the learned Mamlatdar cum ALT. The parties present in the Court shall appear before the Mamlatdar cum ALT on 25th July, 2007 and shall produce a copy of this order enabling the Mamlatdar cum ALT to know that what he is required to do. After the appearance of the parties, the learned Mamlatdar cum ALT shall grant appropriate opportunity to each of the party to lead oral evidence and produce documentary evidence on which they rely. Appropriate opportunity to cross-examine the witnesses of the other side shall be provided and if required and prayed, the Mamlatdar cum ALT shall allow the parties to be represented by a legal practitioner. After giving opportunity of hearing to the parties, the Mamlatdar shall

decide the matter afresh after taking into consideration the entire material available on the records. The Mamlatdar shall dispose of the matter finally within a period of six months from the date of appearance of the parties. The petition is allowed. Rule is made absolute accordingly. No costs.

3. Copy of this order be sent to the concerned Mamlatdar cum ALT from the Court side.

[R.S. GARG, J.]

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